

REMARKS

In order to simplify prosecution in this case, all independent claims have been revised to include the automatic specifying, processing, or changing steps originally set forth in the dependent claims. In particular, claim 2 has been canceled and incorporated into claim 1. Similarly, claim 20 has been canceled and incorporated into claim 19; claim 39 has been canceled and incorporated into claim 31; claim 47 has been canceled and incorporated into claim 42; claims 49, 51, and 53 have been re-written to independent form incorporating claim 42 (prior to amendment); claim 60 has been canceled and incorporated into claim 55; and claims 62, 64, and 66 have been re-written to independent form incorporating claim 55 (prior to amendment). Claims 1, 19, and 31 have also been amended to address antecedent basis matters and now refer to said specified components or said specified locations. Claims 5, 12-18, 23, 32, 50, 52, 54, 61, 63, 65, and 67-69 have been canceled without prejudice or disclaimer in order to advance prosecution. Claim 33 has been amended to correct for claim dependency. Claims 3, 4, 10, 11, 21, 22, 28, 29, 40, 41-44, 56, and 57 have been amended to correct for antecedent basis, and to correct for grammatical errors.

The application now includes claim 1, 3, 4, 6-11, 19, 21, 22, 24-31, 33-38, 40-46, 48, 49, 51, 53, 55-59, 62, 64, and 66. A check in the amount of \$300 is attached to satisfy for three additional independent claims.

Given that the subject matter of dependent claims has been incorporated into independent claims, and that additional dependent claims have been re-cast in independent format, no new issues are presented for review, and consideration and entry of the amendment to place it in immediate condition for allowance is appropriate and requested.

In the office action, the Examiner indicated that certain features of the invention, such as the ability to change configurations, settings, locations, etc. so as to force certain established or desired performance metrics to be achieved for the communications network being planned or optimized at a specific site were not in the claims. The undersigned agrees that such limitations were not present in

the independent claims as presented in the previous office action; however, the undersigned notes that dependent claims present in the application did specify certain automatic adjustments and calculations to be made. By this amendment, the “automated” embodiments of the present invention are specifically highlighted and made a part of each of the independent claims. As was noted in the previous response, the substance of which is incorporated herein, the SMT Plus only allows a user to obtain results, for example, for a particular or arbitrary transmitter location, and lacks the ability to iterate, adapt, or rank over one or more possible settings or configurations of modeled equipment. That is, SMT Plus had no way of providing comparisons and iterations from pre-defined desired results. The undersigned notes that even the Examiner concedes this position, for example, on pages 2-5 of the office action where he points out that manual, human interactions and interpretations by the user is required in SMT Plus to perform the iterations on the changes to locations or orientations of the components, or to interpret or judge the comparisons, etc.

For the sake of clarity, the applicant points out that the Examiner is incorrect in stating that SMT Plus automatically changes components and locations of components numerous times. Rather, with SMT Plus, any iteration or adjustment of components or their location, etc., must be manually entered, e.g., with a keyboard or a mouse, by a human user. SMT Plus had no capability for automatically specifying components, specifying locations of components, repositioning components, or specifying configurations or orientations of components one or more times without some sort of human interaction.

This amendment now overcomes the rejection lodged by the Examiner, and specifically distinguishes the situation where a “desired result is [just] established in the user’s mind, instead of explicitly entered into the system, and running simulations as many times as needed for the simulation to meet a user’s desire” (office action at page 15). That is, the claimed invention now specifically requires automation to iterate for desired outcomes or to make certain changes, and that the automation is focused on meeting established parameters. This feature is simply not present in or suggested by SMT Plus, and constitutes a new

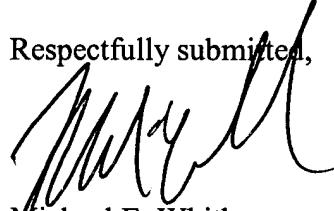
and unobvious development entitled to patent protection.

In view of the above amendments and remarks, claims 1, 3, 4, 6-11, 19, 21, 22, 24-31, 33-38, 40-46, 48, 49, 51, 53, 55-59, 62, 64, and 66, are now in immediate condition for allowance.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson, P.C.)

Respectfully submitted,



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